

April 10, 1987

LB 60

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Our opening prayer this morning by the Pastor Vernon Jacobs, Holy Cross Lutheran Church of Omaha. Pastor Jacobs.

PASTOR JACOBS: (Prayer offered.)

SPEAKER BARRETT: Thank you.

(Machine malfunction, some debate not recorded.)

CLERK: Mr. President, Senator Haberman, you had amendments printed, Senator, on 1521. I understand you want to withdraw those.

SENATOR HABERMAN: Yes, I wish to withdraw the amendment printed in the Journal. I have another amendment that I am going to offer. It will be passed out in just a minute.

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, Senator Haberman would move to return LB 60 to Select File for specific amendment.

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: I asked the body, this morning, to return LB 60 for a specific amendment and the issue on the amendment this morning on LB 60 to returning the bill is as follows: we are going to talk about state and county lump sum benefits. Now this is how the law reads now, if you terminate your employment under age 55, you have an option to receive 100 percent of your, the employee's, contribution to the retirement plan and the state or county money will be paid in monthly payments. However, however, if you are over 55 you can only receive 25 percent of your contribution. Fact one, under 55 you can get 100 percent, over 55 you can only get 25 percent. To receive the 100 percent of your contribution, the same as those below 55, you forfeit your employer's contribution. That is the way it is now. However, our Attorney General issued an opinion, on February 8, 1987, number 87016, which states that our lump sum payment, on retirement, violates, it violates the United States and the state's Constitution, plus the federal and state laws prohibiting discrimination in employment on the basis of age, which I just explained to you the difference in the lump